S.B.Civil Writ Petition No.3182/2007

Jagat Kumar.
vs.
State of Raj. and others.

Date : 19.7.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.BL Maheshwari, for the petitioner.
Mrs.RR Kanwar, Addl.GA, for the respondents no.1 and 2
Mr.SP Arora, for the respondent no.3.

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Heard learned counsel for the parties.

This Court on 9.7.2007 directed the learned Addl.GA to take instructions from the State Government and disclose by what time, the Member, State Transport Appellate Tribunal (STAT) will be appointed so that for formal order of withdrawal of appeal, the litigants need not to approach the High Court for filing writ petition and may not multiply the litigation.

Learned Addl.GA submitted that now the matter has been taken up for filling up the vacancy and appointing the Member, STAT and she hope that it will be done

expeditiously.

Since in this writ petition, the petitioner's contention is that appellant Dharam Veer has submitted application for withdrawal of his three appeals being Appeal Nos.134/2002, 135/2002 and 136/2002. Despite this application seeking permission to withdraw the appeals, the appeals are not being dismissed because of the reason that there is no Member, STAT appointed. It is submitted that because of pendency of those appeals, the Member, RTA is not passing any appropriate order on the renewal application.

Learned counsel for the respondent Dharam Veer submitted that respondent Dharam Veer, appellant before STAT, sought permission to withdraw his appeals and the appeals are pending despite the fact that he does not want to proceed with the appeal.

Since the Member, STAT has not yet been appointed despite passing of about more than one year and the matter is pending before this Court as well as STAT without any reason, therefore, the present writ petition is allowed and the appeal no.134/2002 (Dharam Veer vs. RTA Bikaner & Ors.), appeal no.135/2002 (Dharam Veer vs. RTA Bikaner & Ors.) and appeal no.135/2002 (Dharam Veer vs. RTA Bikaner & Ors.) are

dismissed as withdrawn in view of the respondent Dharam Veer's application seeking permission to withdraw the appeal.

(PRAKASH TATIA), J.

S.Phophaliya